No FEAR Act

Equal Employment Opportunity Data

Fiscal Year 2019, Second Quarter

U.S. Customs and Border Protection

Office of the Commissioner

Table of Contents

1. Complaint Activity ..... pg. 3
2. Complaints by Basis ..... pg. 3
3. Complaints by Issue ..... pg. 4
4. Processing Time ..... pg. 5
5. Complaints Dismissed by the Agency ..... pg. 6
6. Complaints Withdrawn by Complainants ..... pg. 6
7. Total Final Agency Actions Finding Discrimination ..... pg. 6
8. Findings of Discrimination Rendered by Basis ..... pg. 7
9. Findings of Discrimination Rendered by Issue ..... pg. 10
10. Pending Complaints Filed in Previous Fiscal Years by Status ..... pg. 16
11. Complaint Investigations ..... pg. 16

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act: CBP

For 2nd Quarter 2019 for period ending March 31, 2019

1. Complaint Activity

Total	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Number of Complaints Filed	220	235	310	268	422	160
Number of Complainants	207	226	296	262	404	158
Repeat Filers	10	9	14	5	18	2

2. Complaints by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	63	59	67	65	101	40
Color	15	14	21	17	27	5
Religion	11	11	9	10	17	10
Reprisal	110	109	138	128	181	78
Sex	65	75	100	88	119	50
PDA	2	6	4	6	3	0
National Origin	50	49	77	57	114	27
Equal Pay Act	0	0	0	2	0	1
Age	47	82	80	66	114	45
Disability	48	55	88	59	91	40
Genetics	2	0	2	1	1	0
Non-EEO	7	15	18	16	26	5

3. Complaints by Issue

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	9	12	10	15	26	16
Assignment of Duties	32	25	51	46	122	28
Awards	4	8	9	8	10	4
Conversion to Full Time/Perm Status	0	0	1	0	0	0
Discipline: Demotion	1	1	0	1	6	1
Discipline: Reprimand	14	7	5	25	17	5
Discipline: Suspension	14	11	17	15	17	5
Discipline: Removal	1	2	4	3	2	3
Duty Hours	2	4	8	2	8	8
Perf. Eval./Appraisal	2	6	5	10	6	3
Examination/Test	2	2	2	2	11	3
Harassment: Non-Sexual	103	93	151	125	169	68
Harassment: Sexual	11	14	7	13	14	10
Medical Examination	6	6	9	5	13	4
Pay Including Overtime	15	7	7	15	11	7
Promotion/Non-Selection	41	48	66	62	74	24
Reassignment: Denied	8	13	11	3	11	2
Reassignment: Directed	6	2	3	4	16	3
Reasonable Accommodation Disability	13	7	21	18	24	11
Reinstatement	2	3	1	0	2	1
Religious Accommodation	0	0	3	2	4	0
Retirement	3	1	1	0	0	1
Sex-Stereotyping	0	0	1	0	0	0
Telework	0	0	3	1	3	0
Termination	8	12	11	11	24	8
Terms/Conditions of Employment	13	14	16	18	32	18
Time and Attendance	8	11	22	20	27	20
Training	5	2	9	14	12	7

4. Processing Time

a. Complaints Pending During Fiscal Year

Processing Time	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Average Number of Days in Investigation	189.43	166.12	181.06	228.10	233.31	222.56
Average Number of Days in Final Action	51.45	48.72	62.79	99.28	106.44	120.09

b. Complaints Pending During Fiscal Year Where Hearing was Requested

Processing Time	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Average Number of Days in Investigation	191.69	168.19	182.78	223.08	232.26	215.00
Average Number of Days in Final Action	36.55	37.35	50.85	64.64	74.00	59.57

c. Complaints Pending During Fiscal Year Where Hearing was Not Requested

Processing Time	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Average Number of Days in Investigation	184.36	160.80	182.69	240.37	246.12	233.60
Average Number of Days in Final Action	103.64	67.58	81.50	146.24	150.15	214.22

5. Complaints Dismissed by the Agency

Complaints Dismissed by Agency	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Total Complaints Dismissed by Agency	37	27	23	19	55	28
Average Days Pending Prior to Dismissal	103	78	104	119	136	150

6. Complaints Withdrawn by Complainants

Complaints Withdrawn by Complainants	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Total Complaints Withdrawn by Complainants	27	34	41	27	46	27

7. Total Final Agency Actions Finding Discrimination

a. Final Agency Actions Finding Discrimination: Breakdown by Number

Total Final Agency Actions Finding Discrimination	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Findings Without Hearing	0	0	6	3	1	2
Findings With Hearing	4	1	3	0	1	0
Total Number of Findings	4	1	9	3	2	2

b. Final Agency Actions Finding Discrimination: Breakdown by Percentage

Total Final Agency Actions Finding Discrimination	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Findings Without Hearing	0%	0%	67%	100%	50%	100%
Findings With Hearing	100%	100%	33%	0%	50%	0%

8. Findings of Discrimination Rendered by Basis

Note: Complaints can be filed alleging multiple bases. The sum of the bases may not be equal to the total complaints filed.

a. Total Number of Findings

1. Basis Breakdown by Number

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	1	0	2	1	0	0
Color	0	0	1	0	0	0
Religion	0	0	0	0	0	0
Reprisal	1	0	5	3	1	0
Sex	2	0	6	2	0	0
PDA	0	0	0	0	0	0
National Origin	2	0	3	1	0	0
Equal Pay Act	0	0	0	0	0	0
Age	2	2	2	2	0	1
Disability	3	0	3	0	0	1
Genetics	0	0	0	0	0	0
Non-EEO	0	0	1	0	0	0
Total	5	2	8	3	1	2

2. Basis Breakdown by Percentage

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	20%	0%	25%	33%	0%	0%
Color	0%	0%	13%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	20%	0%	63%	100%	100%	0%
Sex	40%	0%	75%	67%	0%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	40%	0%	38%	33%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	40%	100%	25%	67%	0%	50%
Disability	60%	0%	38%	0%	0%	50%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	13%	0%	0%	0%

b. Findings After Hearing

1. Basis Breakdown by Number

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	1	0	1	0	0	0
Color	0	0	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	1	0	3	0	1	0
Sex	0	0	3	0	0	0
PDA	0	0	0	0	0	0
National Origin	1	0	3	0	0	0
Equal Pay Act	0	0	0	0	0	0
Age	1	1	2	0	0	0
Disability	2	0	1	0	0	0
Genetics	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0
Total	3	1	3	0	1	0

2. Basis Breakdown by Percentage

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	33%	0%	33%	0%	0%	0%
Color	0%	0%	0%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	33%	0%	100%	0%	100%	0%
Sex	0%	0%	100%	0%	0%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	33%	0%	100%	0%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	33%	100%	67%	0%	0%	0%
Disability	67%	0%	33%	0%	0%	0%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	0%	0%	0%	0%

c. Findings Without Hearing

1. Basis Breakdown by Number

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	0	0	1	1	0	0
Color	0	0	1	0	0	0
Religion	0	0	0	0	0	0
Reprisal	0	0	2	3	0	0
Sex	2	0	3	2	0	0
PDA	0	0	0	0	0	0
National Origin	1	0	0	1	0	0
Equal Pay Act	0	0	0	0	0	0
Age	1	1	0	2	0	1
Disability	1	0	2	0	0	1
Genetics	0	0	0	0	0	0
Non-EEO	0	0	1	0	0	0
Total	2	1	5	3	0	0

2. Basis Breakdown by Percentage

Basis	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Race	0%	0%	20%	33%	0%	0%
Color	0%	0%	20%	0%	0%	0%
Religion	0%	0%	0%	0%	0%	0%
Reprisal	0%	0%	40%	100%	0%	0%
Sex	100%	0%	60%	67%	0%	0%
PDA	0%	0%	0%	0%	0%	0%
National Origin	50%	0%	0%	33%	0%	0%
Equal Pay Act	0%	0%	0%	0%	0%	0%
Age	50%	100%	0%	67%	0%	50%
Disability	50%	0%	40%	0%	0%	50%
Genetics	0%	0%	0%	0%	0%	0%
Non-EEO	0%	0%	20%	0%	0%	0%

9. Findings of Discrimination Rendered by Issue

a. Total Number of Findings by Issue

1. Issue Breakdown by Number

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	2	0	2	2	0	0
Awards	0	0	1	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0
Discipline: Suspension	1	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	0	0	1
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	3	1	2	1	0	0
Harassment: Sexual	0	0	2	0	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	2	1	2	0	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	1	0	0	0	0	0
Reasonable Accommodation Disability	0	0	1	0	0	1
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	1	0	0	0	0
Terms/Conditions of Employment	0	0	0	1	1	0
Time and Attendance	1	0	0	0	0	0
Training	0	0	0	0	0	0
Total	5	2	8	3	1	2

2. Issue Breakdown by Percentage

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties	40%	0%	25%	67%	0%	0%
Awards	0%	0%	13%	0%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	0%	0%
Discipline: Suspension	20%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	0%	0%	50%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	60%	50%	25%	33%	0%	0%
Harassment: Sexual	0%	0%	25%	0%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	40%	50%	25%	0%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	20%	0%	0%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	13%	0%	0%	50%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	50%	0%	0%	0%	0%
Terms/Conditions of Employment	0%	0%	0%	33%	100%	0%
Time and Attendance	20%	0%	0%	0%	0%	0%
Training	0%	0%	0%	0%	0%	0%

b. Findings After Hearing

1. Issue Breakdown by Number

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	1	0	1	0	0	0
Awards	0	0	1	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0
Discipline: Suspension	1	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	3	1	0	0	0	0
Harassment: Sexual	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	1	0	2	0	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	0	0	0	0	0	0
Reasonable Accommodation Disability	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	1	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	1	0
Time and Attendance	1	0	0	0	0	0
Training	0	0	0	0	0	0
Total	3	1	3	0	1	0

2. Issue Breakdown by Percentage

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties	33%	0%	33%	0%	0%	0%
Awards	0%	0%	33%	0%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	0%	0%
Discipline: Suspension	33%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	0%	0%	0%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	100%	100%	0%	0%	0%	0%
Harassment: Sexual	0%	0%	0%	0%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	33%	0%	67%	0%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	0%	0%	0%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	0%	0%	0%	0%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	100%	0%	0%	0%	0%
Terms/Conditions of Employment	0%	0%	0%	0%	100%	0%
Time and Attendance	33%	0%	0%	0%	0%	0%
Training	0%	0%	0%	0%	0%	0%

c. Findings Without Hearing

1. Issue Breakdown by Number

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	0	0	0	0	0	0
Assignment of Duties	1	0	1	2	0	0
Awards	0	0	0	0	0	0
Conversion to Full Time/Perm Status	0	0	0	0	0	0
Discipline: Demotion	0	0	0	0	0	0
Discipline: Reprimand	0	0	0	0	0	0
Discipline: Suspension	0	0	0	0	0	0
Discipline: Removal	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0
Perf. Eval./Appraisal	0	0	0	0	0	1
Examination/Test	0	0	0	0	0	0
Harassment: Non-Sexual	0	0	2	1	0	0
Harassment: Sexual	0	0	2	0	0	0
Medical Examination	0	0	0	0	0	0
Pay Including Overtime	0	0	0	0	0	0
Promotion/Non-Selection	1	1	0	0	0	0
Reassignment: Denied	0	0	0	0	0	0
Reassignment: Directed	1	0	0	0	0	0
Reasonable Accommodation Disability	0	0	1	0	0	1
Reinstatement	0	0	0	0	0	0
Religious Accommodation	0	0	0	0	0	0
Retirement	0	0	0	0	0	0
Sex-Stereotyping	0	0	0	0	0	0
Telework	0	0	0	0	0	0
Termination	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	1	0	0
Time and Attendance	0	0	0	0	0	0
Training	0	0	0	0	0	0
Total	2	1	5	3	0	2

2. Issue Breakdown by Percentage

Issue	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Appointment/Hire	0%	0%	0%	0%	0%	0%
Assignment of Duties	50%	0%	20%	67%	0%	0%
Awards	0%	0%	0%	0%	0%	0%
Conversion to Full Time/Perm Status	0%	0%	0%	0%	0%	0%
Discipline: Demotion	0%	0%	0%	0%	0%	0%
Discipline: Reprimand	0%	0%	0%	0%	0%	0%
Discipline: Suspension	0%	0%	0%	0%	0%	0%
Discipline: Removal	0%	0%	0%	0%	0%	0%
Duty Hours	0%	0%	0%	0%	0%	0%
Perf. Eval./Appraisal	0%	0%	0%	0%	0%	50%
Examination/Test	0%	0%	0%	0%	0%	0%
Harassment: Non-Sexual	0%	0%	40%	33%	0%	0%
Harassment: Sexual	0%	0%	40%	0%	0%	0%
Medical Examination	0%	0%	0%	0%	0%	0%
Pay Including Overtime	0%	0%	0%	0%	0%	0%
Promotion/Non-Selection	50%	100%	0%	0%	0%	0%
Reassignment: Denied	0%	0%	0%	0%	0%	0%
Reassignment: Directed	50%	0%	0%	0%	0%	0%
Reasonable Accommodation Disability	0%	0%	20%	0%	0%	50%
Reinstatement	0%	0%	0%	0%	0%	0%
Religious Accommodation	0%	0%	0%	0%	0%	0%
Retirement	0%	0%	0%	0%	0%	0%
Sex-Stereotyping	0%	0%	0%	0%	0%	0%
Telework	0%	0%	0%	0%	0%	0%
Termination	0%	0%	0%	0%	0%	0%
Terms/Conditions of Employment	0%	0%	0%	33%	0%	0%
Time and Attendance	0%	0%	0%	0%	0%	0%
Training	0%	0%	0%	0%	0%	0%

10. Pending Complaints Filed in Previous Fiscal Years by Status

a. Total Complaints and Complainants

Pending Complaints Filed in Previous Years by Status	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Total Complaints from Previous Fiscal Year	210	223	240	330	356	582
Total Complainants	180	188	214	295	317	516

b. Number of Complaints Pending

Status	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Investigation	0	0	0	3	2	101
ROI Issued, Pending Complainant's Action	0	1	0	5	1	9
Hearing	191	210	215	296	316	403
Final Agency Action	18	11	24	19	32	57
Appeal with EEOC Office of Federal Operations	221	55	69	84	118	140

11. Complaint Investigations

Complaint Investigation	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019 (through 3/31/19)
Pending Complaints Where Investigations Exceed Required Time Frames	0	0	0	8	3	10